

REMARKS

Claims 1-68 are currently pending. Claims 1-3, 19-21, 37, 38, 56 and 57 have been amended by the present amendment.

Drawings

The Office asserts applicants are required to furnish a drawing under 37 CFR § 1.81(c). However, according to 37 C.F.R. § 1.81(a), "The applicant for a patent is required to furnish a drawing of his or her invention *where necessary for the understanding of the subject matter sought to be patented.*" (Emphasis Added). Applicant respectfully submits that a drawing showing every feature of the invention specified in the claims is *not* necessary in the present application, as such a drawing is not necessary for an understanding of the subject matter sought to be patented. For example, the specification clearly describes, in paragraphs [0013] - [0019], the claimed interior construction systems. One skilled in the art will understand the subject matter sought to be patented without further drawings.

Accordingly, applicants have not submitted a drawing and respectfully request that the Office withdraw the request for drawings.

Double Patenting

Claims 1-36 and 56-68 stand provisionally rejected under 35 USC § 101 as claiming the same invention as that of claims 1-36 and 56-68 of copending Application No. 10/823,419. As this is a provisional rejection, applicants reserve the right to overcome the provisional rejection when necessary.

Claims 37-55 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 37-55 of copending Application No. 10/823,419. As this is a provisional rejection, applicants reserve the right to overcome the provisional rejection when necessary.

Claim Objections

Claims 1-9, 19-27, 37-46 and 56-62 stand objected to.

Claims 1-3, 19-21, 37, 38, 56 and 57 have been amended according to the Examiner's suggestion to replace "plane" with planar". Accordingly, the rejection is requested to be removed.

Claim Rejections

Claims 1-68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zuber (WO 02/012144) in view of Attard (USPN 5,336,318).

Zuber does not teach or suggest each feature of the presently claimed invention. Zuber (allegedly) discloses an interior construction system comprising prefabricated drywall elements, at least one skim coat and at least one jointing material for assembling the drywall elements. And, as the Office recognizes, Zuber does not teach a ***skim coat*** that has a non-cellulosic thickening agent.

Attard is relied upon by the Examiner to allegedly disclose a cellulosic thickener. Attard relates to a clay-free, asbestos-free and microbubble-free drying type ***joint compound***. That is, Attard only teaches a ***jointing compound*** with a non-cellulosic thickener and ***not*** a skim coat with a non-cellulosic thickener. One skilled in the art would not have been taught or motivated to use the non-cellulosic thickener of the joint compound of Attard in the skim coat of Zuber.

A focus of Zuber is to provide a system of drywall application which simplifies the installation of interior walls by substantially eliminating the need for a final skim coat on the drywall. Nothing in Attard focuses on such an issue with a skim coat. In fact, one skilled in the art is taught nothing regarding skim coats by Attard, as Attard only relates to standard jointing compounds.

In general, jointing compounds and skim coats have different technical requirements and thus different formulations. For example, one coating formulation of the presently claimed invention may comprise clay (see, e.g., claim 7). On the contrary, Attard is explicitly free of clay. This helps illustrate that the technical requirements are not the same for a skim coat and a jointing compound. As clear to one skilled in the art, there is no teaching, suggestion or motivation to use the joint compound formulation (or elements thereof) of Attard for a skim coat.

Accordingly, there is no teaching or suggestion of a ***skim coat*** that has a non-cellulosic thickening agent.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-68.

Conclusion

Accordingly, in view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,
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